

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. LA CV13-08237 JAK (SSx)

Date December 4, 2013

Title Hydrox Properties XIV v. Abel De Luna et al.

Present: The Honorable JOHN A. KRONSTADT, UNITED STATES DISTRICT JUDGE

Andrea Keifer

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: (IN CHAMBERS) ORDER RE REMANDING CASE TO SUPERIOR COURT
OF CALIFORNIA JS-6**

Plaintiff, Hydrox Properties XIV ("Plaintiff"), brought an Unlawful Detainer action in the Los Angeles County Superior Court, in which Abel De Luna, a self-represented litigant, was named as the Defendant. Dkt. 4 at 4. That action was filed on August 27, 2013. Plaintiff contends that the complaint was served on Defendant on September 9, 2013, and that trial was set to begin on November 7, 2013. *Id.* On November 6, 2013, Defendant filed a notice of removal of Plaintiff's action. Dkt. 1. Defendant stated that the bases for removal were: (i) his intention to file an action in this Court; and (ii) "Plaintiff's action in eviction and the State Court that is holding the eviction proceedings, is an attempt to circumvent the lawsuit which will be pending in the United States District Court for the Central District of California in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution." Dkt. 1 at 2-3.

Plaintiff objected to the removal, claiming that it was untimely and that this Court lacks subject matter jurisdiction over the Unlawful Detainer proceeding. Dkt. 4 at 2. On November 20, 2013, the Court issued an Order to Show Cause re Jurisdiction, directing that, on or before November 27, 2013, Defendant file a memorandum setting forth a response to Plaintiff's claim that this Court lacks jurisdiction over this matter. Defendant did not comply with this Order. Dkt. 7.

There has been no showing that this Court has subject matter jurisdiction in this action. Thus, there is no showing that the parties are of diverse citizenship or that the action arises under federal law. Further, there has been no showing that the amount in controversy meets any applicable statutory requirements. Finally, that Defendant contemplated the commencement of an action in federal court is not a basis for establishing jurisdiction over this proceeding.

For all of these reasons, this Court lacks jurisdiction over this matter. It is REMANDED to the Los Angeles County Superior Court at the Stanley Mosk Courthouse for all further proceedings under case number 13U10474.

IT IS SO ORDERED.

Initials of Preparer

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